

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Tribal Welfare- Adilabad District- Revision Petition filed by Sri. Sadiga Narayana S/o Bheemanna R/o Birsai pet (V) Utnoor (M), Adilabad District – Against the orders Dated: 07-01-1999 in Proceeding No:D4/Ag/33/1997 of the Additional Agent to the Government, Adilabad District - Dismissed- Orders- Issued.

SOCIAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No:176.

Dated:2-09-2008.

Read the following:

1. From Sri R.M.Reddy Counsel for the petitioner, Revision Petition dated:25-07-2003.
2. Government Memo No: 94497/LTR2/2003 Dated: 30-08-2003.
3. From the Collector, Adilabad Rc No: D4/1242/2003 Dated: 22-11-2003.
4. Government Memo No: 94497/LTR2/2003 Dt: 9-01-2004, 26-02-004, 16-04-2004, 17-03-2005, 24-06-05, 01-08-05, 17-07-06, 21-03-07, 03-04-07 and 08-06-2007 .

ORDER:

In the reference 1st read above Sri Sadiga Narayana S/o Bheemanna has filed a Revision Petition before the Government against the orders of the Additional Agent to Government, Utnoor, Adilabad District in Case No:D4/Ag/33/97 dated:07-01-1999 in respect of Acres 0.18 gts, 4.26 gts and 2.00 gts situated in Survey No: 131,132/2 and 133 respectively situated at Birsai pet (V) of Utnoor (M), of Adilabad District. The Main Grounds of the Revision Petition among others are as under:

- i) The lands in Survey No: 131, 132/1, 132/2 and 133 admeasuring 0.18 gts, Acres 2.26, Acres 2.00 and Acres 2.00 respectively belongs to his cousin brother Sadiga Rajaram and fell to his share through family partition.
- ii) The Tahsildar, Utnoor, Passed order dated 28-04-1972 for mutation of the name of the Revision Petitioner as Pattedar and Possessor of Survey Nos: 131,132,133 admeasuring 0.18 gts, 4.26 gts and 2.00 Acres situated at Birsai pet Village.
- iii) The Appellate authority ought to have seen that there was no dispute between the petitioner and his cousin brother and the order of mutation passed by the Tahsildar was of the year 1972.

2. The Brief history of the case is that the Special Deputy Collector (TW), Utnoor has initiated a case on application filed by Sri Mudugu Jani S/o Balu R/o Birsai pet, as there was reason to believe that the transaction of immovable property was made in contravention of sub-section 1 of sec (3) of A.P.S.A.L.T.R 1959 read with amended regulation 1 of 1970 in Survey No:131, 132/2, 133 extent 0.18, 4.26, 2.00 respectively situated at Birsai pet (V) of Utnoor (M) Adilabad District, by purchasing the land from Non-Tribal. The Special Deputy Collector (TW), Utnoor after conducting enquiry under the A.P.Scheduled Areas Land Transfer Regulation, passed orders dated 23-08-1997 in case No:TW/A2/404/96 ejecting the Revision Petitioner Sri.Sadiga Narayana from the suit land and taking into Government account. Aggrieved by the order of the Special Deputy Collector (TW) Utnoor, Sadiga Narayana (Appellant) filed an appeal before the Collector & Agent to Government,. Adilabad. The Collector /Additional Agent to Government Adilabad held that there is no reason to interfere with the orders of the lower court and dismissed the appeal vide No:D4/Ag/33/97 dated:07-01-1999.

3. Aggrieved by the orders of the Collector/Additional Agent to Government Adilabad Sri Sadiga Narayana S/O Bheemanna filed a Revision Petition before the Government.

4. In the reference 2nd read above, the Agent to Government, Utnoor Adilabad District was requested to furnish parawise remarks and case records; the same were furnished in the reference 3rd read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 07-02-2004, 20-03-2004, 30-04-2004, 28-03-2005, 27-07-2005, 29-08-2005, 10-08-2006,

24-03-2007, 09-04-2007 and after several adjournments the case was finally heard on 16-06-2007. Neither petitioner nor his counsels were present.

5. Government after examining the material documents available on record found that :

- i) The contention of the petitioner that the land came to his share through partition is not correct. These lands were purchased by Sri Sadiga Rajaram S/O Buchanna for a consideration of Rs.3,000/- from Sri Mudugu Balu uruf Balaiah S/O Narsaiah, duly obtaining permission of Tahsildar, Utnoor vide Lr. No: A4/1657/1964, Dated: 18-05-1964. After demise of Sadiga Rajam, the land was transferred / implemented in the name of the petitioner (instead of dependants of Sadiga Rajam in the year 1989-90) who is not at all related to the deceased. He failed to produce documentary evidence in support of his claim i.e. succession, Partition deed or Faisal Patti for the year 1989-1990.
 - ii) The petitioner Sadiga Narayana S/O Bheemanna had failed to prove as to how his name was recorded as pattedar in the year 1989-90 when the suit land belongs to his cousin Sadiga Rajaram. As per the sale deed, neither he is a share – holder nor a legal heir to Sri Sadiga Rajaram , and this landed property is not an ancestral one to effect family partition since it is acquired property of Sadiga Rajaram.
 - iii) The Agent to Government, Adilabad observed that the Memo of Tahsildar, Utnoor dated 28-04-1972 was issued to patwari of Birsaipect to effect changes in Revenue records U/s 4(4) of ROR Rules, 1958 in favour of petitioner. But name of petitioner has been recorded as cultivator from 1972-73 onwards but not as pattedar. In the year 1989-90 only, name of the petitioner was recorded as pattedar.
 - iv) The Petitioner failed to produce documentary evidence in having transferred the suit lands on his name which attracts the Provisions of Sub-Section 1 of Section 3 of APSALTR 1959 R/W Regulation 1/70.
6. Government after careful examination of the case records finds no reason to interfere with the orders of the Agent to Government in Case No: D4/Ag/33/97 Dated: 07-01-1999 and accordingly dismiss the Revision Petition.
7. The Collector, Adilabad & Additional Agent to Government Utnoor is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

**V. NAGI REDDY,
PRL.SECRETARY TO GOVERNMENT.**

To:

The Collector, Adilabad (w.e).

(With RPAD of the following Records)

Case file No: TWA2/404/96 containing 120 pages only

Case file No: D4/1568/1997 containing 94 pages only .

The Additional Agent to Government, Utnoor, Adilabad.

The Special Deputy Collector (T.W), Utnoor.

Sadiga Narayana S/O Bheemanna,

Birsaipect(V) Utnoor (M) Adilabad District.

Madugu Manaiah S/O Balaiah,

Birsaipect(V) Utnoor (M) Adilabad District.

Madugu Jan S/O Balaiah ,

Birsaipect(V) Utnoor (M) Adilabad District.

The P.S. to M (TW & RAID) / P.S to Secy. (TW).

SF / SC

//FORWARDED BY ORDER//

SECTION OFFICER